

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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United States of America and the
State of New York, ex rel. Patrick Donohue,

Plaintiff(s),

20-cv-05396 (GHW)(SDA)

v.

DECLARATION IN SUPPORT OF
CERTIFICATE OF DEFAULT

Richard Carranza, in his official capacity as
the former Chancellor of New York City
Department of Education, et al.,

Defendants.

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ASHLEIGH C. ROUSSEAU, attorney, duly admitted to practice law in the United States District
Court for the Southern District of New York, declares under 28 U.S.C. §1746 that:

1. The undersigned is counsel for Patrick Donohue, the Relator in the above-captioned action.
2. This Declaration is submitted in support of the Relator's application for a Certificate of Default Judgment from the Clerk of the Court.
3. The Relator filed his first Complaint on July 14, 2020 under seal. [ECF No. 2].
4. On September 29, 2021, the Relator filed a Second Amended Complaint. [ECF No. 19].
5. The Relator attempted to serve all named Defendants through certified mail, including a waiver of service for Defendants to execute and return.
6. On January 28, 2022, the Relator requested an extension from the Court to personally serve all out of state Defendants with the Second Amended Complaint and supporting exhibits. [ECF No. 77].
7. Also on January 28, 2022, the Court granted the Relator's request for an extension, and ordered the Relator to serve all out of state Defendants no later than February 28, 2022. [ECF No. 79].

8. The Relator hired ABC Legal, a nationwide process server to assist with the personal service of the Summons and Second Amended Complaint with supporting exhibits.
9. The Relator received an Affidavit of Service from the process server at ABC Legal, indicating that personal service had been effectuated on MASSACHUSETTS DEPARTMENT OF EDUCATION, on February 8, 2022. A copy of the affidavits of service from ABC Legal is attached hereto as **Exhibit 1**.
10. As reflected on the affidavit of service, ABC Legal personally served MASSACHUSETTS DEPARTMENT OF EDUCATION, which was accepted by Mary Morales on February 8, 2022.
11. Defendant MASSACHUSETTS DEPARTMENT OF EDUCATION, has not appeared, nor submitted an Answer or Motion to Dismiss in this action. In fact, they have filed no paper in this action.
12. The Relator has not received any communication from Defendants, or indication that they intend to appear in this action.
13. Accordingly, the Relator requests that the Clerk issue a Certificate of Default against Defendant MASSACHUSETTS DEPARTMENT OF EDUCATION.

Dated: November 1, 2022
New York, New York

Brain Injury Rights Group, Ltd
Attorneys for Plaintiff-Relator

/s/

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